

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Eolas Technologies Incorporated,

Plaintiff and Counterdefendant,

VS.

Civil Action No. 6:09-CV-446-LED

Adobe Systems Inc.; Amazon.com, Inc.; Apple Inc.;)
 CDW Corp.; Citigroup Inc.; eBay Inc.; Frito-Lay, Inc.)
 The Go Daddy Group, Inc.; Google Inc.; J.C. Penney)
 Corporation, Inc.; JPMorgan Chase & Co.; New)
 Frontier Media, Inc.; Office Depot, Inc.; Perot)
 Systems Corp.; Playboy Enterprises International,)
 Inc.; Rent-A-Center, Inc.; Staples, Inc.; Sun)
 Microsystems, Inc.; Texas Instruments Inc.; Yahoo!)
 Inc.; and YouTube, LLC,)

JURY TRIAL DEMANDED

Defendants and Counterclaimants.

J.C. PENNEY'S OBJECTION TO FINAL TRIAL PLAN [DKT. NO. 1264]

Defendant J.C. Penney Corporation, Inc. (“JCP”) respectfully objects to the January 20, 2012 Final Trial Plan (Dkt. No. 1264) and Order (Dkt. No. 1263) and joins in the Objection filed by Defendants Amazon and Yahoo (Dkt. No. 1274).

1. JCP joins in the following paragraphs of the Objection filed by Defendants Amazon and Yahoo for the same reasons and arguments asserted by them: 1, 2, 3, 4, and 5.

2. JCP also joins in paragraph 6 of the Objection filed by Defendants Amazon and Yahoo to the extent the objection relates to the invalidity and inequitable conduct trial.

3. JCP further objects to the “time allotments” provided in the Plan as to JCP. The limitations of “voir dire” to 20 minutes per side, opening statement to 30 minutes per side, “direct/cross examination” to 12 hours per side, and “closing argument” per side in the

“Infringement and Damages” trial is unfairly prejudicial and infringes due process rights because it does not permit sufficient time for JCP to adequately present its case, particularly given the voluminous evidence, numerous witnesses, and complex factual and legal issues that must be presented and resolved in this case.

Dated: January 23, 2012

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

By: /s/ Christopher M. Joe
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**ATTORNEYS FOR DEFENDANT
J.C. PENNEY CORPORATION, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 23rd day of January 2012. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Christopher M. Joe

Christopher M. Joe